

United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PROSURANCE GROUP, INC., a Delaware corporation,	)	Case No.: 10-CV-02600-LHK
	)	
Plaintiff,	)	ORDER DENYING WITHOUT
	)	PREJUDICE PLAINTIFF'S MOTION TO
v.	)	DISMISS
	)	
LIBERTY MUTUAL GROUP, INC., et al,	)	
	)	
Defendants.	)	

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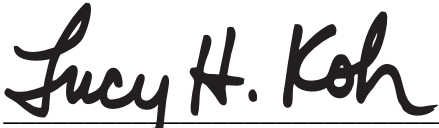
On April 4, 2011, Plaintiff Prosurance Group, Inc. requested dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(B). Dkt. No. 33. Rule 41(a)(1)(B) governs the effect of dismissal pursuant to Rule 41(a)(1)(A): "Unless the notice or stipulation states otherwise, the dismissal is without prejudice." Under Rule 41(a)(1)(A), there are two situations in which a plaintiff may dismiss an action without a court order: (1) the plaintiff files "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment" or (2) the plaintiff files "a stipulation of dismissal signed by all parties who have appeared."

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Neither situation described in Rule 41(a)(1)(A) is present here. The Court requests that the parties file a stipulation pursuant to Rule 41(a)(1)(A)(ii) by Friday, April 8, 2011.

**IT IS SO ORDERED.**

Dated: April 4, 2011



LUCY H. KOH  
United States District Judge

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